

MINUTES
BOARD OF ADJUSTMENT MEETING
April 24, 2018
MEETING 5:00 P.M.

CALL TO ORDER: CHAIRMAN IKE FOUNTAIN

INVOCATION AND PLEDGE OF ALLEGIANCE Vice Chair Joyce Schmidt

Those in attendance were Chair Ike Fountain, Vice Chair Joyce Schmidt, Rick Roach, Luis Diaz, and Irving Spokony.

Staff in attendance were Community Development Director Ameen Bailey, and Deputy Clerk Mamie Drane.

Board Members absent: William Castle

With a quorum present; the meeting was called to order.

OLD BUSINESS ITEMS

1) PUBLIC HEARING: CONSIDER A SPECIAL EXCEPTION TO ALLOW THE SALE OF ALCOHOL AT A RESTAURANT LOCATED AT 1504 LAKE ALFRED RD.

Community Development Director Bailey stated the item was a previously tabled item and she asked if anyone need to revisit the subject. New information from the Florida Statutes was reviewed along with how it differed from the City regulations. The Florida Statutes states there is a requirement for separation from the distribution of alcohol for onsite consumption and schools, but there is not separation criteria for Churches. Local jurisdictions have the ability to have higher thresholds and location criteria can be different for alcohol licenses. Staff recommendation is denial, based on the City code. The Board has the option to change the local code. This is not in the State Code. The Board can recommend denial and then recommend staff to revise the City Code.

The Board discussed and clarified facts about the Churches located on the property.

Board Member Roach asked how the City qualifies a Church by definition, if someone buys a house and claims it as a Church how do we establish the property has changed from residential to a Church. The City is now in the position that a business is trying to open in the Community and is being restricted because there are two obscure Churches within 600 feet. No one has seen activity at the Churches other than a vendor selling food under the name of the Church. The community does not recognize the Churches on the property as such because of the lack of activity.

Chair Fountain opened the floor for public comments.

Chris Stillman Property Manager at 1504 Lake Alfred Dr. stated the Church's come and go. The Church in the back has been there for seven years and he has seen three people in attendance.

Chair Fountain asked about the Church in front of the property, and if Mr. Stillman has spoken to the two renters of the Church regarding the alcohol sales at the restaurant.

Board Member Schmidt asked about the attendance at the God's House Church and if the Churches had scheduled days for their services.

Chris Stillman stated the front Church has maybe ten in attendance. The God's House Church has the same three people, the renter, his wife and son. The buildings are not set up like a Church and the meetings are at 2:00 pm on Sunday. Mr. Stillman said he had spoken to the renters in the front Church and they did not have a problem. He could not get in touch with the renters in the back Church.

Edward Waldman 3254 Archer Ave, a nearby neighbor, stated he didn't care if they served alcohol or not.

Chair Fountain ask for comments from the Board Members. He asked Board Member Diaz if he had spoken to anyone from the Church, since he had knowledge of the Church previously.

Board Member Diaz stated he has a relative that attended the Church located in the front of the property. His relative said the Church doesn't oppose the restaurant selling alcohol. He sees this as a family restaurant, not as a night club.

Board Member Roach asked about the hours of operation. He stated he is in favor of granting them the same availability to make an income as other establishments within Lake Alfred. He also asks that the board send staff a request to readdress the antiquated local code and establish a more defined definition of a Church, regarding the population and usage. A resident has come forward to say he doesn't have a problem with the restaurant serving alcohol at that location and he has spoken to several residents and asked their opinion regarding alcohol sales at that property and they have no objections. The restaurant is located away from schools, while there are some restaurants in the City, that's closer to schools that are serving alcohol now. He's in favor of allowing alcohol sales based on what has been approved in the past. He thinks the City should reevaluate the Code based on this scenario and also the input of the citizens of Lake Alfred. Maybe then Staff can change or update the language in the Code.

Board Member Spokony stated he agrees with **Board Member Roach**, he would like to see the business thrive and for Lake Alfred to grow with more businesses.

Board Member Schmidt stated if the Churches in question were thriving and were adamant that the restaurant would be detrimental to their congregation, then she would

not be in agreement, but she doesn't see that. She would like to see this business flourish. Because of this situation she would ask the City staff to look at the code and rewrite the portion that is outdated.

Chair Fountain asked to entertain a motion to approve the special exception request.

Board Member Roach made a motion to grant the special exception request as presented, with the staff conditions of approval, after hearing competent substantial evidence that meets all the variance criteria set forth; and hereby authorize the Chairman and the Community Development Director to sign the State Alcohol Permit Application, **Board Member Spokony** seconded the motion.

Chair Fountain read the staff conditions for approval:

1. Approval of this special exception shall only apply to the Seymor's Crab Shack and shall not be transferable.
2. Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with ULDC.
3. The applicant shall apply for the necessary State licenses and all required Business Tax Receipts by April 24, 2019 or this approval shall be void.

Motioned was passed by unanimous voice call vote.

Chair Ike Fountain	Yea
Vice Chair Joyce Schmidt	Yea
Board Member Rick Roach	Yea
Board Member Luis Diaz	Yea
Board Member Irving Spokony	Yea

Community Development Director Bailey asked if the board thought that there should there be a distance requirement or if the board thought trying to quantify the definition or criteria for a Church would be more useful.

Board Member Roach stated Staff should look at the Downtown Development Plan, there are only certain perimeters of property for development in the downtown area. If any potential business would like to open up a restaurant in the downtown area they would most likely be in the boundaries of a Church and they may want the same opportunity as decided on today. Staff should research the code and how the City is addressing Churches. There's already restaurants established within the Church and School boundaries and the City doesn't want to prohibit businesses or restaurants from developing within the downtown district.

Community Development Director Bailey asked what criteria does the Board want to include for Churches, do they want to limit the footage restrictions for the Churches or just for schools. She also asked if she should recommend establishing criteria for the validity of the Church itself or should the City establish a location criteria, the state does

not have location criteria for Churches. The Board of Adjustment will be making the decision to recommend Staff to start the process for the change.

The Board discussed the different recommendations and criteria they thought should be in the code. They also discussed the possibility of having some type of Town Hall meeting to include public opinion on this issue.

Chair Fountain stated asked if there were any other questions. There were none, therefore, the meeting was adjourned at 5:30.



Respectfully Submitted,
Mamie Drane
Deputy City Clerk